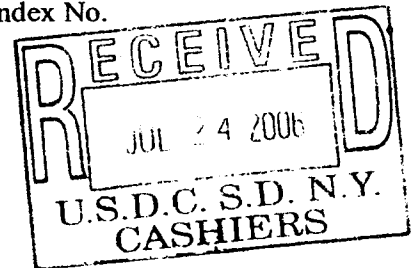


Thomas E. Willoughby (TW 4452)  
HILL RIVKINS & HAYDEN LLP  
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New York, New York 10006-3739  
(212) 669-0600

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**06 CV 5572**

Index No.



-----X  
SEVENTH AVENUE INC., THE SWISS COLONY,  
OMT ENTERPRISES, INC., FUNLINE  
MERCHANDISE CO., INC., A & B HONGDA  
GROUP, INC., PADDOCK POOL CONSTRUCTION  
CO., DESIGNPAC INC., COBRACO  
MANUFACTURING, INC., TANDY BRANDS  
ACCESSORIES INC., HYC LOGISTICS, INC.,  
JIMCO LAMP COMPANY, BURLINGTON  
COAT FACTORY,

Plaintiffs,

**COMPLAINT**

- against -

M/V CMA-CGM VIVALDI, her engines, tackle, boiler, etc.,  
*in rem*, CMA-CGM S.A., CMA-CGM (AMERICA) INC.,  
MEDITERRANEAN SHIPPING COMPANY (HK) LTD.,  
EXPEDITORS INTERNATIONAL OCEAN, DYNALINK  
SYSTEMS INC., LOGISTICS USA, INC., BRIGHT  
FORTUNE SHIPPING LTD., DYNAMIC NETWORK  
CONTAINERLINE LTD., ANR INC., HONOUR LANE  
SHIPPING LTD., CARPE AIR & SEA SHIPPING INC.,  
*in personam*,

Defendants.

-----X

The plaintiffs herein, by their attorneys, Hill Rivkins & Hayden LLP, complaining  
of the above named vessel and defendants, allege upon information and belief:

**FIRST:** This is an admiralty and maritime claim within the meaning of

Rule 9(h) of the Federal Rules of Civil Procedure.

SECOND: At and during all times hereinafter mentioned, plaintiffs had and now have the legal status and principal offices and places of business stated in Schedule B hereto annexed and by this reference made a part hereof.

THIRD: At and during all the times hereinafter mentioned, defendants had and now have the legal status and offices and places of business stated in Schedule B, and were and now are engaged in business as common carriers of merchandise by water for hire, and owned, operated, managed, chartered and controlled the above named vessel which now is or will be within the jurisdiction of this Court during the pendency of this action.

FOURTH: On or about the dates and at the ports of shipment stated in Schedule A, there were delivered to the vessel and defendants in good order and condition the shipments described in Schedule A, which the said vessel and defendants received, accepted and agreed to transport for certain consideration to the ports of destination stated in Schedule A.

FIFTH: Thereafter, the said vessel arrived at the port of destination described in Schedule A and the cargo not delivered in the same good order and condition in which it was received.

SIXTH: Defendants, by reason of the premises, breached their duties to the plaintiffs as common carriers by water for hire and were otherwise at fault.

SEVENTH: Plaintiffs were the shippers, consignees or owners or otherwise had a proprietary interest of and in the cargoes as described in Schedule A, and bring this action on their own behalf and, as agents and trustees, on behalf of and for the interest of

all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and plaintiffs are entitled to maintain this action.

EIGHTH: Plaintiffs have duly performed all duties and obligations on their part to be performed.

NINTH: By reason of the premises, plaintiffs have sustained damages nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the amount of \$500,000.00

**W H E R E F O R E**, plaintiffs pray:

1. That process in due form of law according to the practice of this Court may issue against defendants.
2. That if defendants cannot be found within this District, that all of their property within this District, as shall be described in the affidavit, be attached in the sum set forth in this complaint, with interest and costs.
3. That a decree may be entered in favor of plaintiffs against defendants for the amount of plaintiffs' damages, together with interest and costs.
4. That process in due form of law according to the practice of this Court may issue against the aforesaid named vessels.
5. Plaintiffs further pray for such other, further and different relief as to this Court may seem just and proper in the premises.

Dated: New York, New York  
July 21, 2006

HILL RIVKINS & HAYDEN LLP  
Attorneys for Plaintiffs

By: 

Thomas E. Willoughby (TW4452)

45 Broadway, Suite 1500  
New York, New York 10006-3739  
(212) 669-0600

Schedule A												
HRH FILE	VESSEL	PLAINTIFF	HOUSE BL	MASTER BL	CONTAINER(S)	GOODS	TYPE OF DAMAGE	VALUE (FOB)	Load	Displaying	Final	Carrier
29004-1A	29004-1A	Seventh Avenue	611459136	\$22701674	Various	Various	Unknown	\$30,259.20	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459136	\$22701873	Various	Various	Unknown	\$10,835.86	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459136	\$22701870	Various	Various	Unknown	\$9,384.20	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459185	\$22701875	Various	Various	Unknown	\$28,870.15	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459132	\$22701663	Various	Various	Unknown	\$28,199.78	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Swiss Colony (related to Seventh Ave.)	611459154	\$22700911	Various	Various	Unknown	\$31,182.00 approx	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Swiss Colony	611459164	\$22700911	Various	Various	Unknown	\$31,182.00 approx	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459163	\$22701669	Various	Various	Unknown	\$18,500.00	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459134	\$22701672	Various	Various	Unknown	\$18,619.00	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459128	\$22701665	Various	Various	Unknown	\$24,224.37	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459137	\$22701671	Various	Various	Unknown	\$13,403.80	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459177	\$22701451	ECMU6366169	Bear with Tray, Deer dock sat, Dog buffet tray	OVERBOARD	\$23,988.28 + 3,895.00	Yanlian	Long Beach (Inland)	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459138	\$22701662	Various	Various	Unknown	\$37,452.50	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459131	\$22701664	Various	Various	Unknown	\$19,310.96	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459122	\$22701668	Various	Various	Unknown	\$15,335.10	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	691049603	CMOUK208956	Various	Various	Unknown	\$15,246.00 approx	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459168	\$22701452	Various	Various	Unknown	\$31,575.00	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459167	\$22701447	Various	Various	Unknown	\$10,832.08	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459121	\$22701667	Various	Various	Unknown	\$15,335.10	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Swiss Colony	611459157	\$22701668	Various	Various	Unknown	\$28,580.00	Yanlian	Long Beach	Chicago	Expeditors International
29004-1A	29004-1A	Seventh Avenue	611459172	\$22701676	Various	Various	Unknown	\$10,895.00	Yanlian	Long Beach	Chicago	Expeditors International
29004-1B	29004-1B	OMT Enterprises	SZ05081268A	MSCUYT920215	GLUD7225503	Lawn Decorations / Statues	overboard	CIF \$11,656.52	Yanlian	Long Beach	Gardena, CA	Dynalisk, MSC
29004-1C	29004-1C	Acorn Performance Companies - Furniture Merchandises Co. Inc	NOMS005070710	MSCUJHG327045	TRI0034447	927 cartons Toys	overboard	\$21,582.99 \$14,498.16 (delivery to freight)	Hong Kong	Long Beach (Intended)	Rancho Cucamonge CA	Logistics USA, Inc., MSC, Bright Fortune/Hecny
29004-1D	29004-1D	A & B Hongda Group, Inc.	SZF05817AL08	MSCUYT936498	MSCU9364926	1227 cartons Christmas decorations & wood furniture	overboard	\$907 \$1,438.25	Yanlian	Long Beach (Intended)		MSC, Dynamic Network Container Line Ltd
29004-1E	29004-1E	Paddock Pools and Spas	SZX050902721	MSCUYT939074	MSCU7153991	Christmas Decorations	wetting damage	\$9,452.93	Yanlian	Long Beach	Phoenix, AZ	ANR Inc., MSC
29004-1F	29004-1F	Designpac	SZKCH152840	MSCUYT901736	MSCU 465325-2	315 Cins	overboard	\$18,650.40	Yanlian	Long Beach	Chicago	MSC, ANR Inc.
29004-2A	29004-2A	CobraCo Manufacturing, Inc.	611459266		CRXU9312040	8666 Pts Garden Statues	overboard	4494.02 (freight + duty)	Yanlian Hong Kong	Long Beach	Lake Zurich, IL	Expeditors International
29004-2B	29004-2B	Tandy Brands Accessories Harvey Yaffe Company, NYC Logistics, Inc.	6910465688		ECMU9596726	Electric power Air Compressor, Shower Clock/Radio, Auto Mug, 2492 cartons lighting fixtures (lamp & lampshade)	overboard	\$39,195.70 (duty)	Yanlian Hong Kong	Long Beach	Chicago, IL	Expeditors International, MSC
29004-2C	29004-2C	Burlington Coat Factory	GS05050906	HK2006366	ECMU9573680	1250 cms floral arrangements	overboard	\$6,400 freight (\$91,979.08)	Yanlian Hong Kong	Long Beach	Burlington, NJ	Carpe Air & Sea Shipping, Inc.

**SCHEDULE B**

- Plaintiffs: (1) Seventh Avenue Inc.  
1112 7<sup>th</sup> Avenue  
Monroe, WI 53566
- (2) The Swiss Colony  
1112 7<sup>th</sup> Avenue  
Monroe, WI 53566
- (3) OMT Enterprises, Inc.  
1927 West 127<sup>th</sup> Street  
Gardena, CA 90249
- (4) Funline Merchandise Co., Inc.  
20405 East Business Parkway  
City of Industry, CA 91789
- (5) A & B Hongda Group, Inc.  
4520 Santa Anita Avenue  
Rancho Cucamonga, CA 91730
- (6) Paddock Pool Construction Co.  
6525 E. Thomas Road  
Scottsdale, AZ 85251
- (7) DesignPac Inc.  
2457 W. North Avenue  
Melrose, IL 60160
- (8) CobraCo Manufacturing, Inc.  
30 East Main Street  
Lake Zurich, IL 60047
- (9) Tandy Brands accessories Inc.  
690 East Lamar Boulevard  
Arlington, TX 76011
- (10) HYC Logistics, Inc.  
2650 Thousand Oaks Boulevard  
Memphis, TN 38118
- (11) Jimco Lamp Company  
Highway 63 North  
Bono, AR 72416

(12) Burlington Coat Factory  
1830 Route 130 North  
Burlington, NJ 08016

Defendants: CMA-CGM S.A.  
c/o CMA-CGM (America) Inc.  
5701 Lake Wright Drive  
Norfolk, VA 23502

CMA-CGM (America) Inc.  
5701 Lake Wright Drive  
Norfolk, VA 23502

Mediterranean Shipping Company (HK) Ltd.  
c/o Mediterranean Shipping Company (USA) Inc.  
420 Fifth Avenue  
New York, NY 10018

Expeditors International Ocean  
c/o Expeditors International of Wethington, Inc.  
245 Roger Avenue  
Inwood, NY 11096

Dynalink Network Container Line Ltd.  
Hong Kong

Logistics USA, Inc.  
147-27 175<sup>th</sup> Street  
Jamaica, NY 11434

Bright Fortune Shipping Ltd.  
4/F, Heany Cargo Bldg.  
111 Wai Yip Street  
Kwun Tong, Kowloon, Hong Kong

Dynamic Network Container Line Ltd.  
Hong Kong

ANR Inc.  
Hong Kong

Honour Lane Shipping Ltd.  
Room 1201-1206, Nan Fung Tower  
173 Des Voeux Road Central  
Hong Kong

Carpe Air & Sea Shipping Inc.  
360 Sylvan Avenue  
Englewood Cliffs, NJ 07632